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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,916	04/04/2001	Morgan William Amos David	450110-03187	3757

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,916

Applicant(s)

DAVID, MORGAN WILLIAM AMOS

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/8/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 15-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15-18 direct to a computer program but fail to specify the location of the computer program. See MPEP 2100.

Claim Rejections - 35 USC § 112

3. Claims 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 11-18, the phrase "or the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 , 6, and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wildig et al (GB 2325544).

Regarding claims 1 and 6,11-17, Wildig discloses a method and a system (Figs. 1, 3-5, pages 4-6) for facilitating identification of audio and/or video productions, said method comprising
maintaining a register of unique program identification codes which identify
corresponding audio/video productions,
assigning a new unique program identification code on request from a producer of a
new audio/video production (page 5, Figs. 3-5) ,
updating the register with said new unique program identification code in association
with said new audio/video production (page 5)

acquiring items of audiolvideo material for use in forming said new audio/video
production (page 5)

generating during acquisition of said audio/video material items a unique
identifying code for each of said audio/video material items, and

populating said register with said unique identifying codes in association with said unique program identification code (pages 5-6), the identified video or audio products can be retrieved, composed, identified and re-stored for later viewing by an operator or a producer.

Regarding claim 2, Wildig further teaches the method as claimed in Claim 1, comprising

editing said audio/video material items by selectively combining said items of said audio/video material to form said audio/video production, and

up-dating said unique identification codes in association with said unique program identification code corresponding to said selective combination such that each video or audio having a identifying code and a user can edit the items (pages 5-6).

Further for claims 15-18, Wildig discloses a computer program providing computer executable instructions, which when loaded on to a data processor configures said data processor to operate as an asset management system as claimed in any of Claims 6 to 12, 1-5, 13 or 14, 15 or 16 since the apparatus of Wildig is controlled by a computer program.

6. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (2005/0144641).

Regarding claims 1 and 6, Lewis discloses a method and a system for facilitating identification of audio and/or video productions, said method comprising

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maintaining a register of unique program identification codes which identify 5

corresponding audio/video productions,

assigning a new unique program identification code on request from a producer of a new audio/video production)(sections 0034-0036, Figs. 3-4, page 20),

up-dating the register with said new unique program identification code in association with said new audio/video production (section 0199)

acquiring items of audio/video material for use in forming said new audio/video production (section 0203),

generating during acquisition of said audio/video material items a unique identifying code for each of said audio/video material items, and

populating said register with said unique identifying codes in association with said unique program identification code (0203)..

Regarding claim 2, Lewis further teaches the method as claimed in Claim 1, comprising

editing said audio/video material items by selectively combining said items of said audio/video material to form said audio/video production, and

up-dating said unique identification codes in association with said unique program identification code corresponding to said selective combination sic each video or audio having a identifying code and a user can edit the items (section 0095-0096).

Regarding claims 3 and 4 , Lewis further teaches the method as claimed in Claim 1, comprising identifying the copyright owner of said audio/video production, and

storing the copyright owner of said audio/video production in said register in association with said unique program identifier (0121-0126, Fig.4).

Regarding claim 5, Lewis further teaches the method as claimed in Claim 1, comprising the steps of selling the new unique program identification code to the producer (0126) .

Regarding claim 7, Lewis teaches the asset management system as claimed in Claim 6, wherein the asset management processor is arranged in operation - to receive rights data representative of ownership rights of said audio/video productions and/or said audio/video material items, and to store said rights data in association with the corresponding unique program identification code and/or said unique identifying code in said database (Fig. 4).

Regarding claim 8, Lewis further teaches the asset management system as claimed in Claim 6, wherein said asset management processor is arranged in operation to receive royalty data representative of an agreed royalty for use of said audio/video productions and/or said audio/video material items, and to store said royalty data in said database, and consequent upon a request for use of at least one of said audio/video productions and/or said audio/video material items, said asset management processor is arranged in operation to calculate the cost of using said productions and/or material items (Fig. 4, sections 0126-0129,0132).

Regarding claim 9, Lewis further teaches the asset management system as claimed in Claim 6, wherein said asset management processor is arranged in operation

to receive analysis data representative of a respective proportion of consumers which have consumed said audio/video productions and/or said audio/video material items, and to store said analysis data in association with the corresponding unique program identification code and/or said unique identifying code in said data base (Fig. 4, sections 0126,0132).

Regarding claim 10, Lewis further teaches the asset management system as claimed in Claim 9, wherein said asset management processor is arranged in operation to calculate said royalty payments in dependence upon said royalty data in combination with said analysis data (Fig. 4, sections 0126,0132).

Regarding claims 11,12,13 and 14, Lewis further teaches using UPID or UMID identifying code or the like for identifying the products (section 0255).

Regarding claims 15-18, Lewis discloses a computer program providing computer executable instructions, which when loaded on to a data processor configures said data processor to operate as an asset management system as claimed in any of Claims 6 to 12,1-5,13 or 14 15 or 16 (Figs 4-5 and 8).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

~~HUY NGUYEN~~
PRIMARY EXAMINER